

SO. CAL. EQUAL ACCESS GROUP
Jason J. Kim (SBN 190246)
Jason Yoon (SBN 306137)
101 S. Western Ave., Second Floor
Los Angeles, CA 90004
Telephone: (213) 252-8008
Facsimile: (213) 252-8009
scalequalaccess@yahoo.com

Attorneys for Plaintiff
DEONDRE RAGLIN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DEONDRE RAGLIN,
Plaintiff,

vs.

SHALABI ENTERPRISES, LLC; and
DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR
VIOLATION OF:

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT, CAL CIV. CODE §§ 51 -
52 et seq.;
3. CALIFORNIA'S DISABLED
PERSONS ACT, CAL CIV. CODE §54 et
seq.
4. CALIFORNIA'S UNFAIR
COMPETITION ACT, CAL BUS & PROF
CODE § 17200, et seq.
5. NEGLIGENCE

Plaintiff DEONDRE RAGLIN ("Plaintiff") complains of Defendants SHALABI
ENTERPRISES, LLC; and DOES 1 to 10 ("Defendants") and alleges as follows:

//

//

//

JURISDICTION AND VENUE

1
2 1. The Court has jurisdiction of this action pursuant to 28 USC §1331 for
3 violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et seq.*)

4 2. Pursuant to pendant jurisdiction, attendant and related causes of action,
5 arising from the same nucleus of operating facts, are also brought under California law,
6 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,
7 54, 54., 54.3 and 55.

8 3. Venue is proper in this court pursuant to 28 USC §1391(b). Defendants
9 reside in this district, Riverside County, California.

10 **PARTIES**

11 4. Plaintiff is a California resident with a physical disability with substantial
12 limitation in his ability to walk. Plaintiff suffers from paraplegia due to T8 spinal cord
13 injury and requires the use of a wheelchair at all times when traveling in public.

14 5. Defendants are, or were at the time of the incident, the real property owners,
15 business operators, lessors and/or lessees of the real property for a market (“Business”)
16 located at or about 1800 N. Long Beach Blvd., Compton, California.

17 6. The true names and capacities, whether individual, corporate, associate or
18 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
19 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
20 Court to amend this Complaint when the true names and capacities have been
21 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such
22 fictitiously named Defendants are responsible in some manner, and therefore, liable to
23 Plaintiff for the acts herein alleged.

24 7. Plaintiff is informed and believes, and thereon alleges that, at all relevant
25 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
26 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
27 the things alleged herein was acting with the knowledge and consent of the other
28 Defendants and within the course and scope of such agency or employment relationship.

1 8. Whenever and wherever reference is made in this Complaint to any act or
2 failure to act by a defendant or Defendants, such allegations and references shall also be
3 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
4 and severally.

5 **FACTUAL ALLEGATIONS**

6 9. In or about May of 2022, Plaintiff went to the Business. The Business is a
7 market business establishment, which is open to the public, and is a place of public
8 accommodation and affects commerce through its operation. Defendants provide parking
9 spaces for customers.

10 10. While attempting to enter the Business during each visit, Plaintiff personally
11 encountered a number of barriers that interfered with his ability to use and enjoy the
12 goods, services, privileges, and accommodations offered at the Business. To the extent
13 of Plaintiff's personal knowledge, the barriers at the Business included, but were not
14 limited to, the following:

- 15 a. Defendant failed to maintain the parking space designated for persons
16 with disabilities to comply with the federal and state standards.
17 Defendants failed to maintain the paint on the ground as required.
- 18 b. Defendants failed to maintain the parking space designated for
19 persons with disabilities to comply with the federal and state
20 standards. Defendants failed to maintain the mark on the surface with
21 the International Symbol of Accessibility.
- 22 c. Defendant failed to maintain the parking space designated for persons
23 with disabilities to comply with the federal and state standards.
24 Defendants failed to provide a proper ramp for the persons with
25 disabilities.
- 26 d. Defendant failed to maintain the parking space designated for persons
27 with disabilities to comply with the federal and state standards.
28

1 Defendants failed to provide the access aisles with level surface
2 slopes.

3 11. These barriers and conditions denied Plaintiff the full and equal access to the
4 Business. Plaintiff wishes to patronize the Business again. However, Plaintiff is deterred
5 from visiting the Business because his knowledge of these violations prevents him from
6 returning until the barriers are removed.

7 12. Based on the violations, Plaintiff alleges, on information and belief, that
8 there are additional barriers to accessibility at the Business after further site inspection.
9 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-
10 Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

11 13. In addition, Plaintiff alleges, on information and belief, that Defendants
12 knew that particular barriers render the Business inaccessible, violate state and federal
13 law, and interfere with access for the physically disabled.

14 14. At all relevant times, Defendants had and still have control and dominion
15 over the conditions at this location and had and still have the financial resources to
16 remove these barriers without much difficulty or expenses to make the Business
17 accessible to the physically disabled in compliance with ADDAG and Title 24
18 regulations. Defendants have not removed such barriers and have not modified the
19 Business to conform to accessibility regulations.

20 **FIRST CAUSE OF ACTION**

21 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

22 15. Plaintiff incorporates by reference each of the allegations in all prior
23 paragraphs in this complaint.

24 16. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
25 shall be discriminated against on the basis of disability in the full and equal enjoyment of
26 the goods, services, facilities, privileges, advantages, or accommodations of any place of
27 public accommodation by any person who owns, leases, or leases to, or operates a place
28 of public accommodation. *See* 42 U.S.C. § 12182(a).

17. Discrimination, *inter alia*, includes:

- a. A failure to make reasonable modification in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- b. A failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden. 42 U.S.C. § 12182(b)(2)(A)(iii).
- c. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- d. A failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs or to ensure that, to the maximum extent feasible, the path of travel to the altered area and the

1 bathrooms, telephones, and drinking fountains serving the altered
2 area, are readily accessible to and usable by individuals with
3 disabilities where such alterations to the path or travel or the
4 bathrooms, telephones, and drinking fountains serving the altered
5 area are not disproportionate to the overall alterations in terms of cost
6 and scope. 42 U.S.C. § 12183(a)(2).

7 18. Where parking spaces are provided, accessible parking spaces shall be
8 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
9 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
10 (2440 mm) wide minimum and shall be designated "van accessible." 1991 ADA
11 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
12 be van parking space. 2010 ADA Standards § 208.2.4.

13 19. For the parking spaces, access aisles shall be marked with a blue painted
14 borderline around their perimeter. The area within the blue borderlines shall be marked
15 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting
16 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall
17 be painted on the surface within each access aisle in white letters a minimum of 12 inches
18 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §
19 11B-502.3.3.

20 20. Here, Defendants failed to properly maintain the access aisles as there were
21 faded "NO PARKING" and faded blue lines painted on the parking surface.

22 21. The surface of each accessible car and van space shall have surface
23 identification complying with either of the following options: The outline of a profile
24 view of a wheel chair with occupant in white on a blue background a minimum 36" wide
25 by 36" high (914 mm x 914 mm). The centerline of the profile view shall be a maximum
26 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the
27 length of the parking space and its lower side or corner aligned with the end of the
28 parking space length or by outlining or painting the parking space in blue and outlining

1 on the ground in white or a suitable contrasting color a profile view of a wheel chair with
2 occupant. *See* CBC § 11B-502.6.4, *et seq.*

3 22. Here, Defendants failed to maintain the mark on the surface with the
4 International Symbol of Accessibility as required.

5 23. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp
6 surfaces shall comply with 4.5. 1991 Standards § 4.8.6. Ramps and landings with drop-
7 offs shall have curbs, walls, railings, or projecting surfaces that prevent people from
8 slipping off the ramp. Curbs shall be a minimum of 2 in (50 mm) high. 1991 Standards §
9 4.8.7. Outdoor ramps and their approaches shall be designed so that water will not
10 accumulate on walking surfaces. 1991 Standards § 4.8.8. Ground and floor surfaces
11 along accessible routes and in accessible rooms and spaces including floors, walks,
12 ramps, stairs, and curb ramps, shall be stable, firm, slip-resistant, and shall comply with
13 4.5. 1991 Standards § 4.5.1.

14 24. Here, Defendants failed to provide a compliant ramp for the access aisle.

15 25. Under the 1991 Standards, parking spaces and access aisles must be level
16 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.
17 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles
18 shall be part of an accessible route to the building or facility entrance and shall comply
19 with 4.3. Two accessible parking spaces may share a common access aisle. Parked
20 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces
21 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all
22 directions. 1991 Standards § 4.6.3.

23 26. Here, the access aisle is not level with the parking space. Under the 2010
24 Standards, access aisles shall be at the same level as the parking spaces they serve.
25 Changes in level are not permitted. 2010 Standards § 502.4. "Access aisles are required
26 to be nearly level in all directions to provide a surface for transfer to and from vehicles."
27 2010 Standards § 502.4 Advisory. *Id.* No more than a 1:48 slope is permitted.
28

1 27. A public accommodation shall maintain in operable working condition those
2 features of facilities and equipment that are required to be readily accessible to and usable
3 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a). By failing to
4 maintain the facility to be readily accessible and usable by Plaintiff, Defendants are in
5 violation of Plaintiff's rights under the ADA and its related regulations.

6 28. The Business has denied and continues to deny full and equal access to
7 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
8 discriminated against due to the lack of accessible facilities, and therefore, seeks
9 injunctive relief to alter facilities to make such facilities readily accessible to and usable
10 by individuals with disabilities.

11 **SECOND CAUSE OF ACTION**

12 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

13 29. Plaintiff incorporates by reference each of the allegations in all prior
14 paragraphs in this complaint.

15 30. California Civil Code § 51 states, "All persons within the jurisdiction of this
16 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
17 national origin, disability, medical condition, genetic information, marital status, sexual
18 orientation, citizenship, primary language, or immigration status are entitled to the full
19 and equal accommodations, advantages, facilities, privileges, or services in all business
20 establishments of every kind whatsoever."

21 31. California Civil Code § 52 states, "Whoever denies, aids or incites a denial,
22 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable
23 for each and every offense for the actual damages, and any amount that may be
24 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
25 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
26 attorney's fees that may be determined by the court in addition thereto, suffered by any
27 person denied the rights provided in Section 51, 51.5, or 51.6.

1 32. California Civil Code § 51(f) specifies, “a violation of the right of any
2 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
3 shall also constitute a violation of this section.”

4 33. The actions and omissions of Defendants alleged herein constitute a denial
5 of full and equal accommodation, advantages, facilities, privileges, or services by
6 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.
7 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
8 51 and 52.

9 34. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
10 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
11 damages as specified in California Civil Code §55.56(a)-(c).

12 **THIRD CAUSE OF ACTION**

13 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

14 35. Plaintiff incorporates by reference each of the allegations in all prior
15 paragraphs in this complaint.

16 36. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be
17 entitled to full and equal access, as other members of the general public, to
18 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
19 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,
20 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
21 of transportation (whether private, public, franchised, licensed, contracted, or otherwise
22 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
23 places of public accommodations, amusement, or resort, and other places in which the
24 general public is invited, subject only to the conditions and limitations established by
25 law, or state or federal regulation, and applicable alike to all persons.

26 37. California Civil Code § 54.3(a) states, “Any person or persons, firm or
27 corporation who denies or interferes with admittance to or enjoyment of public facilities
28 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an

1 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
2 the actual damages, and any amount as may be determined by a jury, or a court sitting
3 without a jury, up to a maximum of three times the amount of actual damages but in no
4 case less than one thousand dollars (\$1,000) and any attorney's fees that may be
5 determined by the court in addition thereto, suffered by any person denied the rights
6 provided in Section 54, 54.1, and 54.2.

7 38. California Civil Code § 54(d) specifies, "a violation of the right of an
8 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
9 constitute a violation of this section, and nothing in this section shall be construed to limit
10 the access of any person in violation of that act.

11 39. The actions and omissions of Defendants alleged herein constitute a denial
12 of full and equal accommodation, advantages, and facilities by physically disabled
13 persons within the meaning of California Civil Code § 54. Defendants have
14 discriminated against Plaintiff in violation of California Civil Code § 54.

15 40. The violations of the California Disabled Persons Act caused Plaintiff to
16 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
17 statutory damages as specified in California Civil Code §55.56(a)-(c).

18 **FOURTH CAUSE OF ACTION**

19 **UNFAIR COMPETITION ACT**

20 41. Plaintiff incorporates by reference each of the allegations in all prior
21 paragraphs in this complaint.

22 42. Defendants have engaged in unfair competition, unfair or fraudulent
23 business practices, and unfair, deceptive, untrue or misleading advertising in violation of
24 the Unfair Competition Act. Bus & Prof. Code §§ 17200 *et seq.*

25 43. Defendants engage in business practices and policies that create systemic
26 barriers to full and equal access for people with disability in violation of state and federal
27 law.

44. The actions and omissions of Defendants are unfair and injurious to Plaintiff, a consumer of the Business' goods and services. As a result of Defendants' unfair business practice and policies, Plaintiff suffered injury in fact. Plaintiff was not provided with goods and services provided to other consumers. Plaintiff seeks relief necessary to prevent Defendants' continued unfair business practices and policies and restitution of any month that Defendants acquired by means of such unfair competition, including profits unfairly obtained.

FIFTH CAUSE OF ACTION
NEGLIGENCE

45. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

46. Defendants have a general duty and a duty under the ADA, Unruh Civil Rights Act and California Disabled Persons Act to provide safe and accessible facilities to the Plaintiff.

47. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

48. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;
2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;
3. Award of all reasonable restitution for Defendants' unfair competition practices;

1 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
2 action;

3 5. Prejudgment interest pursuant to California Civil Code § 3291; and

4 6. Such other and further relief as the Court deems just and proper.
5

6 **DEMAND FOR TRIAL BY JURY**

7 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
8 demands a trial by jury on all issues so triable.
9

10 Dated: July 25, 2022

SO. CAL. EQUAL ACCESS GROUP

11
12
13 By: /s/ Jason J. Kim
14 Jason J. Kim, Esq.
15 Attorneys for Plaintiff
16
17
18
19
20
21
22
23
24
25
26
27
28